

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KARL E. GARY, OSCAR R. IAMS;
SHIRLEY J. IAMS; CHARLES W.
PHILLIPS; DAVID HIGGENBOTHAM,
JUDITH HIGGENBOTHAM; MARY ANN
NEELY; CHARLES AMBROSE WHITLATCH,
JR.; DEBRA ANN WHITLATCH,
WHITLATCH; DONALD WHITLATCH;
FRANCIS E. WHITLATCH; HENRY ABNER
WHITLATCH; NORMA JEAN WHITLATCH;
ROBERT PHILLIPS; WILLIAM H.
WHITLATCH; KATHY L. WHITLATCH;
ALFRED S. CHAMBERS AS POWER OF
ATTORNEY FOR GARY J. PIERSON,
ALFRED R. CHAMBERS, JR.;
ALFRED R. CHAMBERS AS POWER OF
ATTORNEY FOR WINIFRED J. PIERSON;
PAUL R. PHILLIPS; BARBARA
SWARTZMILLER; CHARLES E. WHITLATCH;
PATRICIA WHITLATCH; NETTIE PHILLIPS
MORRIS; EDNA PHILLIPS SCHRADER;
VIRGINIA KENNEDY; HELEN KELLY;
MARY THORNE; and KENNETH L.
PHILLIPS,
Plaintiffs,

v.

THE BRADDOCK CEMETERY, AND
CONSOL ENERGY, the successor and/
or assign of RHEINBRAUN, U.S.
CORPORATION; and CNX COAL, the
successor and/or assign of CONSOL
PENNSYLVANIA COAL COMPANY;
Defendants.

2:05cv1438

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Judge Cerpcone

Magistrate Judge Caiazza

MEMORANDUM ORDER

This case was filed on October 17, 2005 (Doc. 1). On November 3, 2005, it was referred to United States Magistrate Judge Francis X. Caiazza (Doc. 2) for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On June 10, 2008, the magistrate judge issued a Report and Recommendation (Doc. 68) recommending that the Defendants' Motions for Sanctions pursuant to Fed. R. Civ. P. 11 (Docs. 38 and 44) be granted, to the extent described in the Report.

Service of the Report and Recommendation was made, and Defendant Braddock Cemetery (Doc. 69) Consol (Doc. 70) filed objections on June 26, 2008. Plaintiffs filed a Response to Defendants' Objections on July 2, 2008 (Doc. 71).

After a de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following Order is entered:

AND NOW, on this 22nd day of August, 2008, IT IS HEREBY ORDERED that the Defendants' Motions for Sanctions pursuant to Fed. R. Civ. P. 11 (**Docs. 38 and 44**) is **GRANTED** to the extent described in the magistrate judge's Report, which is adopted as the opinion of the District Court.



David Stewart Cercione
United States District Judge

cc: Honorable Francis X. Caiazza
Chief United States Magistrate Judge

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